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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,078	12/31/2001	Mark H. Tuszynski	041673-2053	9151
30542	7590	02/22/2006	EXAMINER	
FOLEY & LARDNER LLP			FALK, ANNE MARIE	
P.O. BOX 80278			ART UNIT	
SAN DIEGO, CA 92138-0278			PAPER NUMBER	

1632

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Serial Number	Filing Date	First Named Applicant	Attorney Docket No.
10/039,078	12/31/2001	Tuszynski, MH	041673-2053

EXAMINER	
Anne-Marie Falk, Ph.D.	
ART UNIT	PAPER NUMBER
1632	0206

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The reply filed on November 29, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The elected invention is directed to a method for delivery of a therapeutic nervous system growth factor to cortical tissue, wherein a recombinant expression vector encoding a nervous system growth factor is administered to a subject. Applicants further elected the species nerve growth factor (NGF) for prosecution on the merits. An Office Action on the elected invention has already been issued. The elected species is not allowable and no generic claim was finally held to be allowable. The amendment filed on November 29, 2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive. The remaining claims are not readable on the elected invention because they are now **limited** to delivery of BDNF or NT-4/5. None of the remaining claims are readable on the elected species, NGF.

Thus, the amendment is non-responsive and has not been entered.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)**. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Falk, Ph.D. whose telephone number is (571) 272-0728. The examiner can normally be reached Monday through Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Anne-Marie Falk, Ph.D.

Anne-Marie Falk
ANNE-MARIE FALK, PH.D.
PRIMARY EXAMINER